

SENATE BILL 72

P1, P3

0lr0101

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Military)**

Requested: October 1, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Militia – Membership**

3 FOR the purpose of amending the requirements for membership of the Maryland
4 militia; expanding eligibility to include citizens who take an oath of allegiance
5 to the State; and generally relating to membership in the militia of the State.

6 BY repealing and reenacting, with amendments,
7 Article – Public Safety
8 Section 13–202
9 Annotated Code of Maryland
10 (2003 Volume and 2009 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Public Safety**

14 13–202.

15 (a) Except as provided in subsection (b) of this section, the militia consists of
16 able-bodied individuals who are:

17 (1) citizens of the State; [or]

18 (2) **CITIZENS OF THE UNITED STATES WHO TAKE AN OATH OF**
19 **ALLEGIANCE TO THE STATE; OR**

20 ~~[(2)]~~ (3) of foreign birth and who:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) are residents of the State; and

2 (ii) have declared their intention to become citizens of the State.

3 (b) Subject to subsection (c) of this section, an individual is exempt from
4 subsection (a) of this section if the individual:

5 (1) is exempted by the laws of the United States;

6 (2) is exempted by the laws of the State;

7 (3) is a member of a regularly organized fire or police department in a
8 county, city, village, or town;

9 (4) is a judge or clerk of a court of record;

10 (5) is a register of wills and deeds;

11 (6) is a sheriff;

12 (7) is a member of the clergy;

13 (8) is a practicing physician;

14 (9) is a superintendent, officer, or assistant of a hospital or
15 correctional facility;

16 (10) has been judged mentally incompetent;

17 (11) is addicted to narcotic drugs; or

18 (12) has been convicted of an infamous crime.

19 (c) An individual exempted under subsection (b)(3) through (12) of this
20 section shall be available for military duty in case of war, insurrection, or invasion, or
21 when the danger of war, insurrection, or invasion is imminent.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2010.